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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/645,402

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Vijay B. Alone

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07/11/2006

IBM CORPORATION

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RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

NGUYEN, DAVID Q

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/645,402		ALONE ET AL.	
	Examiner		Art Unit	
	David Q. Nguyen		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 19-21 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 19-21 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/25/06 have been fully considered but they are not persuasive.

In response to applicant's arguments, Applicants argue: "While applicant's undersigned attorney has diligently read paragraphs 0032 through 0049 (the bulk of the description of the preferred embodiments by Park) no teaching, disclosure or suggestion is there found that a non-volatile storage device is provided or that such a device stores information as now set forth with particularity in all the independent claims under consideration here. The element is simply absent from Park.

Examiner respectfully disagrees because Park clearly discloses the wireless LAN card 10 stores an identification information of a network connection and an information which indicates that an access point for connection is a hidden access point where the hidden access point has not issued the identification information (see fig. 1, pars. 0032-0049).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-5, 19-21 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Park (US 2003/0158922 A1).

Regarding claim 1, Park discloses an apparatus comprising a radio which makes a wireless communications via a predetermined access point (see abstract); a non-volatile storage device which stores an identification information of a network connection and an information which indicates that an access point for connection to the network is a hidden access point where the hidden access point has not issued the identification information (see abstract; fig. 1, pars. 0032-0049), and a connection confirmation unit which confirms the connection by attempting an actual connection to the hidden access point after accessing the information from said non-volatile storage device (see abstract; fig. 4, pars. 0032-0049).

Regarding claim 2, Park also discloses identification information acquiring unit which acquires the predetermined identification information by scanning the identification information for designating a connection partner (see abstract; fig. 4, pars. 0032-0049); and connection executing unit which executes the connection to one of a plurality of access points of the network having the predetermined identification information acquired by said identification information acquiring unit and the access point to which the connection is confirmed by said connection confirmation unit (see abstract; fig. 4, pars. 0032-0049).

Regarding claim 3, Park also discloses radio control unit which stops a transmitting and receiving radio when the identification information stored in said non-volatile storage device is not acquired by said identification information acquiring unit and the connection confirmation for the identification information stored in said non-volatile storage device is not made by said connection confirmation unit (see abstract; fig. 4, pars. 0032-0049).

Regarding claim 4, Park also discloses wherein said non-volatile storage device stores the identification information of the network appended with an order of priority for the connection (see abstract; fig. 4, pars. 0032-0049).

Regarding claim 5, Park also discloses wherein said non-volatile storage device stores the information indicating the access point having issued a network name in association with the identification information of the network (see abstract; fig. 4, pars. 0032-0049).

Regarding claim 19, Park discloses a method comprising the steps of: communicating with a predetermined wireless network through a connection point (see abstract; fig. 4, pars. 0032-0049); acquiring from a non-volatile storage device which stores an identification information of a network connection and an information which indicates that an access point for connection to the network is a hidden access point where the hidden access point has not issued the identification information indicating that an access point for connecting to the wireless network is a hidden access point where an identification information for a connection list table storing the identification information of the wireless network for use by an apparatus to connect to the wireless network is not present (see abstract; fig. 4, pars. 0032-0049; pars. 0038-0040), and establishing a connection to the wireless network by attempting an actual connection to the hidden access point (see abstract; fig. 4, pars. 0032-0049).

Regarding claims 20-21, Park also discloses retrieving a predetermined access point by scanning the identification information stored in the non-volatile storage device, and executing the communications via one of a group consisting of a retrieved access point and the hidden access point to which the connection is confirmed on the basis of the information stored in the non-volatile storage device (see abstract; fig. 4, pars. 0032-0049); stopping a wireless

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transmitting and receiving radio when the connection to the wireless network having the information stored in the non-volatile storage device is not possible (see abstract; fig. 4, pars. 0032-0049).

Regarding claims 28, Park discloses a program product comprising a computer usable medium having computer readable program code embodied therein for use with a computer, the computer readable program code in said program product implementing functions effective to: make wireless communications for connecting to a predetermined wireless network (see abstract; fig. 4, pars. 0032-0049), acquire from a non-volatile storage device which stores an identification information of a network connection and an information indicating that an access point for connection to the wireless network is a hidden access point where an identification information from a connection list table storing the identification information of a wireless network is not present (see abstract; fig. 4, pars. 0032-0049), and establish a connection to the wireless network by attempting an actual connection to the hidden access point (see abstract; fig. 4, pars. 0032-0049).

Regarding claims 29-30, Park also discloses cause the computer apparatus to implement a function of retrieving a predetermined access point by scanning the identification information stored in the non-volatile storage device (see abstract; fig. 4, pars. 0032-0049); and execute the communications via one of a group consisting of a retrieved access point and the hidden access point to which the connection is confirmed on the basis of the information stored in the connection list table (see abstract; fig. 4, pars. 0032-0049); cause the computer apparatus to implement a function of stopping a transmitting and receiving radio when the connection to the

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wireless network having the information stored in said connection list table is not possible (see abstract; fig. 4, pars. 0032-0049).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN

David Q Nguyen
Patent Examiner
Art Unit 2617


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER